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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

DHARMENDRA PRASAD,

Defendant and Appellant.

G057152

(Super. Ct. No. 95WF1183)

O P I N I O N

Appeal from an order of the Superior Court of Orange County, Elizabeth G. Macias, Judge. Affirmed.

Arielle Bases, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

On March 23, 1998, appellant Dharmendra Prasad pled guilty to charges of unlawfully taking a vehicle (Veh. Code, § 10851) and grand theft (auto) (Pen. Code, 487(a)).¹ His exposure in terms of penalty was 3 years, 8 months of incarceration in the state prison, in addition to whatever he received for violating two earlier probationary grants. Under the terms of his plea bargain, he was sentenced to two years in state prison. Over the years, appellant has filed various motions seeking to overturn or challenge the consequences of that plea, apparently due to its immigration consequences, but to no avail.

His most recent attempt was the filing of motions pursuant to sections 1016.5 and 1473.7, filed in December of 2018. This appeal is from the denial of the section 1016.5 motion.² We deal with the section 1473.7 motion in case No. G057154.

We appointed counsel to represent him on this appeal as well as the section 1473.7 case. Counsel filed a brief in each which set forth the procedural facts of the case (the facts of the crimes themselves are irrelevant because the argument is solely directed at the validity of appellant's plea and no challenge pertaining to any facts of the crime is mounted).

Counsel did not argue against her client but advised us there were no issues to argue on his behalf. Appellant was invited to express his own objections to the proceedings against him and did so with identical briefs. We have reviewed those briefs. We are also required to review the record and see if *we* can find any issues that might result in some kind of amelioration of appellant's lot. (*People v. Wende* (1979) 25 Cal.3d 436.) It should be emphasized that our search was not for issues upon which appellant *would* prevail, but only issues upon which he *might possibly* prevail.

¹ All further statutory references are to the Penal Code.

² There is some confusion in the record because appellant seems to have filed two appeals from the same judgment. That has been assumed to represent one appeal of the denial of each of the two statutory bases upon which he filed for relief. For economy of effort, we have adopted that bifurcation and deal with each statute under the different number assigned to it.

We have examined the record and found no arguable issue as to this appeal. Appellant's complaint is that he did not understand his conviction could result in deportation and a permanent bar to re-entry into this county. He says his attorney failed to explain this to him and he did not understand the trial court's warning of immigration consequences.

But the record clearly reflects that warning. The minutes of his sentencing include the entry, "ADV. CONSEQ. OF PLEA IF NOT A CITIZEN." Appellant nowhere challenges the accuracy of that entry but rather argues he did not understand it and his attorney did not explain it to him. This argument has failed before and we see nothing here to cause us to question its failure here. "We reject the argument because section 1016.5 requires only that appellant be advised of possible deportation consequences." (*People v. Araujo* (2016) 243 Cal.App.4th 759, 763.) The trial court, faced with a record that shows such an advisement, correctly denied appellant's section 1016.5 motion.

That ruling appears to us – as it did to appellate counsel – unassailable. The section requires only that the court advise a defendant of immigration consequences. That was done here. Challenges based on inadequate involvement of counsel or appellant's inability to understand that advisement – at least insofar as those things were imperceptible by the trial court – must be challenged under another rubric. Those things we perceive to be the basis of appellant's other appeal, G057154, which we address separately.

The order is therefore affirmed.

BEDSWORTH, J.

WE CONCUR:

O'LEARY, P. J.

THOMPSON, J.